

AN ORDINANCE

96696

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF UTE STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN OWASSO STREET AND THE SERVICE ROAD OF INTERSTATE HIGHWAY 35 SOUTH, AS SOUGHT BY KELLY HEIGHTS APARTMENTS, LTD., ET AL., PETITIONERS, FOR THE TOTAL OF \$16,225.00, INCLUDING PAYMENT OF FEES; AND CONSIDERATION OF A TWENTY FIVE PERCENT (25%) REDUCTION OF THE CONSIDERATION, AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN, DISTRICT 4.

* * * * *

WHEREAS, Kelly Heights Apartments, Ltd., et al., (Petitioners), the abutting property owners, have requested that the City of San Antonio close, vacate and abandon an improved portion of Ute Street Public Right of Way (Subject Property) located between Owasso Street and the service road of Interstate Highway 35 South; and

WHEREAS, Petitioners have requested closure of the Subject Property in order to incorporate the portion of the Public Right of Way with the Kelly Heights Apartment complex and place gates 120 feet south of Owasso Street and 150 feet north of the service road of Interstate Highway 35 South; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and it is proposed by staff that it be transferred by the City to Petitioners; and

WHEREAS, Councilman Enrique Martin has requested by a six signature memo that the City accept a 25% reduction of the \$16,225.00 consideration to \$12,168.75 for the closure, including payment of fees; and

WHEREAS, Petitioners' request has been circulated through all interested City departments and utility agencies involved and Petitioners have agreed to the conditions and/or restrictions imposed by the Departments of Public Works, Development Services, Police, Fire, City Public Service Board and Bexar Metropolitan Water District; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of September 25, 2002 and has recommended approval to the City Council; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved portion of Ute Street Public Right of Way located between Owasso Street and the service road of Interstate Highway 35 South is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated and abandoned as City

of San Antonio public right-of-way, as requested by Kelly Heights Apartments, Ltd., et al., the abutting property owners, as Petitioners, as such portion is shown on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating and abandoning is contingent on Petitioners' agreeing to conditions set forth in a Letter Agreement, a copy of which, signed by Petitioners, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.


SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property to the Kelly Heights Apartments, Ltd., et al.

SECTION 4. Such closing, vacating and abandoning is further contingent upon the payment by Petitioners of the consideration for such closure, however, a 25% reduction of the consideration from \$16,225.00 to \$12,168.75, pursuant to a six-signature memo from Councilman Enrique Martin, District 4 is hereby accepted. A copy of the memo is attached hereto as **Exhibit "C"** and incorporated herein verbatim for all purposes.

SECTION 5. The \$12,168.75 in funds to be received from closing, vacating and abandoning an improved portion of Ute Street Public Right of Way located between Owasso Street and the service road of Interstate Highway 35 South is to be recorded in Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land."

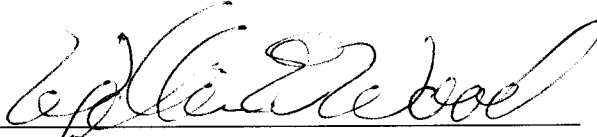
This ordinance shall be effective on the 17th day of November, 2002.

PASSED AND APPROVED this 7th day of November, 2002.


M A Y O R
EDWARD D. GARZA

ATTEST:

City Clerk

APPROVED AS TO FORM: 
for City Attorney